

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

### Public Hearing and Regular Meeting

October 23, 2013

Chairman Michele Camerota called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

#### **I. ROLL CALL AND SEATING OF ALTERNATES**

##### Commissioners Present

Commissioner Frank Aieta  
Commissioner Carol Anest  
Chairman Michele Camerota  
Commissioner Michael Camillo  
Commissioner Cathleen Hall  
Commissioner Stanley Sobieski  
Commissioner Audra Ekstrom-A  
Commissioner Kenneth Leggo-A

##### Commissioners Absent

##### Staff Present

Craig Minor, Town Planner

Commissioner Ekstrom was seated for the vacant position of former Chairman David Pruett.

#### **II. APPROVAL OF AGENDA**

Craig Minor: I recommend that you delete VII New Business, Item C Petition 56-13; Commercial Subdivision at 365 and 375 Willard Avenue, the application is not ready to go forward, so the applicant asked me to take it off the agenda.

I recommend that you add Item XIII Executive session to discuss the Modern Tire and Recapping, et al vs the Town of Newington Plan and Zoning Commission.

Chairman Camerota: Can I have a motion to accept those changes to the agenda?

Commissioner Sobieski moved to accept the changes to the agenda. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

#### **III. PUBLIC HEARING**

- A. Petition 55-13: Special Exception (Section 6.6.2: Liquor Permit) at 32A Fenn Road (Tango Pizza) Hayes Kaufman Newngton Associates LLC owner, Baires LLC, applicant, Albert Garrido, 151 Carr Avenue, Newington, CT, contact.**

Chairman Camerota: Is the petitioner here? Good evening sir, have a seat. State your name and address for the record?

Albert Garrido: Albert Garrido, 151 Carr Avenue, Newington, CT.

Chairman Camerota: Go ahead and tell us why you are here tonight.

Albert Garrido: I am here tonight because the first time I may not have expressed myself well and I was asking to open my pizzeria in Newington, and I said that I wanted to sell liquor, I mean, beer and wine, and now I was approved for a pizzeria but not for liquor, so tonight I am applying for liquor.

Chairman Camerota: Okay, Craig, any comments?

Craig Minor: Yes, I inspected the site, and the only restaurant within five hundred feet is a sushi restaurant that does not sell alcohol. It's byob, so there is no impediment to approving this request.

Chairman Camerota: Commissioner comments or questions? Sir, if you will have a seat, this is a public hearing and we will see if there is anyone from the public who wishes to speak regarding this petition.

Albert Garrido: Thank you very much.

Chairman Camerota: Thank you. Is there anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Seeing none, what is the pleasure of the Commission?

Commissioner Anest: I think we should close it and move it to Old Business and vote on it this evening, seeing that there was a miscommunication.

Chairman Camerota: Does everyone feel the same? Can I have a motion to move Petition 55-13 to Old Business for voting tonight?

Commissioner Aieta moved Petition 55-13 to Old Business. The motion was seconded by Commissioner Ekstrom. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Camerota: We will be voting on this tonight, sir.

Albert Garrido: Thank you very much.

**IV. PUBLIC PARTICIPATION** (for items not listed on the agenda; speakers limited to two minutes)

None

**V. REMARKS BY COMMISSIONERS**

None

**VI. MINUTES**

A. October 9, 2013

Commissioner Sobieski moved to accept the minutes of the October 9, 2013 regular meeting. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

**VII. NEW BUSINESS**

**A. Petition 47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana.) Town Plan and Zoning Commission, applicant.**

Craig Minor: At the last meeting I was asked to have the GIS Department prepare some maps that would completely reflect the areas in town that would be eligible for medical marijuana distribution facility, or production facility, because they actually have slightly different requirements under the draft regulations. A distribution facility, I can really leave it at that, because there is nothing in the southern area of town that would be eligible. Now what the yellow indicates is areas in town that are industrially zoned, because the Commission decided as this was evolving that it is only in the Industrial Zone that the Commission is comfortable with a medical marijuana distribution facility and what those pink areas with the buffers around them are churches, schools, playgrounds, etc., so the amount of town where someone could conceivably apply for permission to open a distributorship is limited to those yellow areas and it looks like a lot, but it isn't really. This is one thousand, I stayed with 1000. This is the quarry, Balf Quarry, so that is obviously not going to be a medical marijuana area, this is the industrial park near North Mountain Road, so conceivably somebody could ask for a distributorship up there, this is the area along the Fastrack, but again, but this is Fenn Road, and this is the area down below Cedar Street which is industrial zone, so those are the areas in town where under the draft regulations someone could apply for a special permit to operate a medical marijuana distributorship, which is basically a drug store. The other map that I had prepared is for a production facility which is literally growing marijuana inside a building. What the Commission wanted was a regulation that limited it to again, the Industrial Zones only, but, and more than 1000 feet from a school, church and playground, but in addition to that, also be at least a thousand feet from a residential zone. So as you can see, and the GIS guy decided to change the color, so now green is the area that is eligible, and as you can see, it is quite limited. These are the areas in town where someone could theoretically apply for permission to operate a medical marijuana production facility.

Chairman Camerota: I thought distribution was also 1000 feet from a residence.

Commissioner Aieta: Yeah, there was no difference between distribution and production, so this map would apply to both.

Craig Minor: Okay. My understanding was that.....

Commissioner Aieta: No, it was 1000 feet next to a residence for both.

Commissioner Anest: It says it right in our regulations.

Chairman Camerota: Well, actually it doesn't, no, if you look at C it does say production facility shall be allowed on a site that is less than 1000 feet from any property that is zoned for single family residential.

Commissioner Aieta: And dispensary, that note is not in there?

Craig Minor: No, because I didn't realize that was what you wanted. That's fine, I'll make that change. So yes, then the first map I showed you then is irreverent, so because what I'm hearing from the Commission, you want production facilities and distribution facilities to be 1000 feet from schools, church, and playground, and 1000 feet from a residential zone.

Commissioner Aieta: So that limits it down to this map for both.

Craig Minor: Yes. Now what I can do is ask the GIS group to generate another map with just a 750 foot buffer and you can visualize that, since you know this is 1000 feet, just visualize it down by a quarter, and it would expand this area slightly, but I'll generate the map if you would like, to provide a little more area in town where someone could apply, but if you would prefer to leave it at 1000, then we will leave it at that.

Commissioner Anest: So we are going to get rid of 6.15.4 C?

Craig Minor: Well, what I will do is change and make them the same. I will probably insert the word distribution facility into the paragraph. Now that I understand what you want, I will make it look like that.

Chairman Camerota: Any other questions?

Commissioner Aieta: Yeah, I have one. Now that we have the map that shows the areas, are there any vacant pieces there, vacant buildings, or buildings that can be converted, or, what is on those green spots that are on the map?

Craig Minor: Well, this is the North Mountain Road Industrial Park, and that is built out, pretty sure. This is land locked, so no one can do anything there, but this is Fenn Road and so there is opportunity for something on Fenn Road.

Commissioner Anest: Where is Ella Grasso?

Commissioner Hall: Right where your finger is, because that is Route 9, where your finger is right now. Fenn Road is the one below your finger. That's Ella Grasso. Is that white piece on the bottom Central Connecticut property?

Craig Minor: Yes.

Commissioner Aieta: No, the white piece off to.....

Craig Minor: Oh, that's the Stop and Shop Plaza.

Chairman Camerota: Because it's Planned Development, not Industrial.

Craig Minor: This is where the Fastrack Station will be, and this is National Welding.

Commissioner Aieta: So that little strip center on Fenn Road, that's in an Industrial zone? Apparently, Cathy?

Commissioner Hall: It must be, yeah, the Spin.....

Commissioner Aieta: That and the west side. I guess there is something if somebody really imaginative could come in and find a spot to put it, but I was under the impression that there wasn't any spots, we wouldn't go forward with the amendment.

Chairman Camerota: I think there's space on North Mountain Road. There are some vacancies there. I think that's probably the most likely, because it doesn't look like the Stamm Road area has anything because it is too close to the residential.

Craig Minor: Yes, correct.

Chairman Camerota: Okay, any other questions, comments? So we will make the changes and then, do you want to make the changes and then put it on for public hearing, or do you want to see it one last time?

Craig Minor: Okay, well, you can kind of do both, because the Public Hearing would have to be in two meetings from now, anyway, so what I will do is send it out to the surrounding RPA's, as required, but also bring it to you at your next meeting so you can see what has been sent out. Then at the following meeting, we'll have the hearing.

**B. Petition 36-13: Site Plan Approval at 17-23 East Cedar Street, Marissa Gaultieri, owner, Walter Gaultieri, 68 Chestnut Street, Newington, CT applicant/contact.**

Craig Minor: The applicant came in this afternoon, first time I'd seen him in months, and we discussed the situation and he understands that because of the time constraints that the Commission would have to act on it tonight, he understand that, and his only request was that when he reapplies that the application fee be waived. I told him that that would be up to the Commission, but I would recommend it, because I haven't spent a lot of time on this application, because he hadn't given me the material to review. So I would not object, when he does reapply to not collect the second application fee from him.

Chairman Camerota: And there is a draft suggested motion in here?

Craig Minor: Yes.

**Petition 36-13  
Site Plan Approval  
17-23 East Cedar Street  
Marissa Gaultieri, owner**

Commissioner Hall moved to deny, without prejudice, Petition 36-13: Site Plan Approval at 17-23 East Cedar Street. Marissa Gaultieri, owner, Walter Gaultieri, applicant/contact.

**FINDINGS:**

1. The application is substantially incomplete: none of the information and material required under Section 3.12.A.4 has been submitted.
2. The decision deadline established by Sec. 8-7d (b) of the Connecticut General Statutes is November 3, 2013, which is prior to the next regular TPZ meeting.

The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

**C. Petition 56-13: Commercial Subdivision at 365 & 375 Willard Avenue (Spectrum) Spectrum Office Condominium Associates Inc., owner/applicant, Tamara Kagan Levin, 231 Farmington Avenue, Farmington CT, contact.**

Postponed

**D. Petition 57-13: Principal Building Within 50' of Wetland (Section 4.4.6) at 129 Main Street Adrienne Brown owner, Michael Zarotney 412 Goff Road, Wethersfield CT, applicant/contact.**

Chairman Camerota: Good evening sir, please state your name and address for the record.

Michael Zarotney: Michael Zarotney of Connecticut Real Estate Properties, LLC 412 Goff Road, Wethersfield, Connecticut. Just a correction, I talked to Craig, the applicant is actually my business, Connecticut Real Estate Properties, for the record.

What we have here I guess is a provision in the Planning and Zoning Regulations, Section 4.4.6, if a house or a dwelling is within fifty feet of a wetland it requires a vote from the Planning and Zoning Commission. This project went through the Conservation Commission the past couple of months, I have the approval, and a permit issued from them. Just a little background, it's a single family residence on this piece of property that was approved previously in 1981 by both Planning and Zoning and the Conservation Commission and I'm here before you for I guess an approval of the vote to build within fifty feet of a wetland. No construction is taking place in an actual wetland.

Chairman Camerota: Okay, and none will be, right? Do you have the approval from Conservation?

Michael Zarotney: Yes I do.

Chairman Camerota: Do you have copies for everyone?

Michael Zarotney: I don't have copies for everyone, no.

Craig Minor: I have a copy of it. I can make copies if the Commission would like.

Chairman Camerota: I think that would be a good idea.

Craig Minor: I'll do that, but just let me tell you it's a boiler plate approval. All of the conditions, there about a dozen or so, are just generic conditions.

Commissioner Aieta: Is there a site plan of what we are looking at?

Chairman Camerota: Do you have a site plan for us?

Michael Zarotney: I do if you would like to take a look at it. Want me to put it on the board?

Chairman Camerota: Yes.

Michael Zarotney: What we have, on the southern portion of the property a proposed house. It didn't change too much, I think it changed two feet from the original site plan back in 1981. Basically the area of contention is, there's thirty feet here that borders the neighbor's property, and twenty-three feet here that backs up to that neighbor's property there.

Commissioner Aieta: Orientate the Commission where exactly it is on Main Street.

Michael Zarotney: Main Street right here, so you would be coming off Main Street, the driveway goes in, the property is in the back here. Francis Street would be over here.

Commissioner Hall: It's on the east side Michael, or on the west?

Michael Zarotney: On the west side of Main Street.

Commissioner Hall: The west side of Main Street.

Michael Zarotney: Yes, and this is Piper Brook along here. Also, there was, this whole area of town was convoluted, there was wetlands here, we did a map amendment, we brought the wetland line back to here, the actual wetlands are right in here, so I don't have authority to do the map amendment on any of the neighboring properties, there's a house here, and there's a house, lawn, shed, garage, cars, there.

Commissioner Aieta: That's a lot of record, is it a rear lot?

Michael Zarotney: It's not a rear lot, there's frontage right here.

Commissioner Sobieski: When that brook floods, because I grew up in that area, when it floods, that whole area gets flooded in there.

Michael Zarotney: In the wetland area.

Commissioner Sobieski: Yes, and the houses that abut that, the brook will go way up close to the houses up there if you have a heavy rain. My concern is, and I seem to remember back in the '80's, and '90's, the Army Corps of Engineers was talking about widening out that channel and dredging out the brook.

Michael Zarotney: It was channelized quite a number of years back. They did an extensive amount of work in there to channelize it, and there is actually a secondary overflow that comes through here to help disperse that flood water. This was thoroughly reviewed at the Conservation Commission.

Commissioner Sobieski: I thought they only did.....

Michael Zarotney: You live on Francis, right here, a neighbor to this property?

Commissioner Sobieski: I live down the other end of Francis, I'm not a neighbor.

Michael Zarotney: Okay.

Commissioner Sobieski: My question was, I thought the Army Corps of Engineers only did the portion on the east side of Main Street.

Michael Zarotney: What's that?

Commissioner Sobieski: I thought they only did the east side of Main Street where that new house was built, between Main and Brookside.

Michael Zarotney: No, they did extensive work in here, they put rip rap, they channelized it, they widened the banks, I don't know, I can't give you an exact date of when they did it, but I'm sure you are pretty familiar with it from what I hear, correct?

Commissioner Sobieski: I'm sorry?

Michael Zarotney: Correct?

Commissioner Sobieski: I do know what went on down there, yes. I grew up on that street.

Chairman Camerota: Do you have anything else?

Michael Zarotney: I could enter the prior approval I guess. That map, that Planning and Zoning approved back then, along with the Conservation Commission.

Chairman Camerota: That would be fine, do you have those with you?

Michael Zarotney: I have a copy of it, yes.

Chairman Camerota: Craig, do you have any comments?

Craig Minor: Well, my only comment is that I'm at a loss as to why this regulation exists. You have a wetlands agency in Newington that has statutory responsibility for regulating development within a hundred feet of a wetland. Their agent has approved this, that's their process, it's not in a flood zone, because you aren't allowed to build in a flood zone, so it's not as if this Commission has to make the decision as to whether to let someone build in a flood zone or not because that's, you can't. So, I'm at loss to give any recommendation except that there is no basis not to approve it, and if you deny it, you've now effectively taken away all use of that land.

Chairman Camerota: Commissioner comments, questions? What does the Commission want?

Commissioner Anest: Move it to Old Business, this has been going on for a while, correct?

Chairman Camerota: And there was prior TPZ approval on it? In 1981.

Craig Minor: Yes, when the lot was approved back in the '80's, the house would have been, I mean, I don't have those plans, but a conceptual house location would have been shown on that subdivision plan probably where it is shown here.

Chairman Camerota: So it got subdivision approval.

Craig Minor: Yes.

Chairman Camerota: What about site plan approval?

Craig Minor: No.

Commissioner Anest: Then I make a recommendation that we move this to Old Business and vote on it this evening.

The motion was seconded by Commissioner Aieta. The vote was in favor of the motion to move Petition 57-13 to Old Business with five voting yes, and one abstention (Sobieski)

Chairman Camerota: So we will vote on this tonight.

Michael Zarotney: Thank you.

Chairman Camerota: You're welcome.



**E. Performance Bond Reduction Request #4 for "Victory Gardens" on Veterans Drive.**

Craig Minor: I have a revised memo on this application, on this bond reduction that is on the table when you came in tonight. The staff did inspect the site, and the staff is satisfied that all of the work has been completed, however, there are two documents that are outstanding, there's the as-built survey, and the drainage certification from their engineer certifying that the drainage was installed in accordance with the plan, so those items have not been submitted yet. The engineering department recommends that we hold back \$1,250.00 to cover those items.

Now the issue that I'm concerned about is, if we release all of the money and the landscaping, which is physically out there, if some of the trees or shrubs don't survive or if the area in back, which hasn't really been seeded yet, I went out there the other day, then we have no recourse, so I'm recommending that we withhold five percent of the landscaping portion of the project, and the landscaping portion comes to \$95, 518, so I recommending that we withhold five percent of that which is \$4776.00, so that is my recommendation, that we withhold that amount.

Commissioner Anest: Now there's... but you had said that they are objecting to that.

Craig Minor: Yes. I'm, I understand their argument that the construction, their claim is that their construction loan with the bank doesn't provide for retaining anything, that's plausible, but what isn't plausible is that they have no provision for contingencies, on a multi-million dollar project, that they have no cushion anywhere, for a relatively small amount like this?

Commissioner Aieta: I did a walk through the project yesterday, for some reason, there is a whole section there that I don't think is even close to being complete. They are just starting the landscaping as of yesterday, they were still landscaping yesterday. They haven't seeded, there's areas there, it's almost beyond the season where you should be landscaping at this point, beyond October 15<sup>th</sup>, the growing season is pretty much over. They haven't seeded, and they are just putting in plants now. Four thousand dollars is not going to cover if anything goes wrong out there on the landscaping. It's just not. There's a whole section that's not, that they are still working on, they were working on it yesterday. Four thousand dollars wouldn't cover one of the detention basins with the four hundred plants that are in there, if they don't make it. It's just not enough money.

Commissioner Anest: This isn't for the whole project, this is just for the one part, the front part, right?

Craig Minor: No, this is for the whole project.

Commissioner Anest: Even for the walkway that leads down to the field, that whole back portion?

Commissioner Aieta: Yeah, it's not even done, I mean, if you people went out there and walked the place, or drove through the piece.....

Commissioner Anest: I thought they were supposed to put more trees.

Craig Minor: I went out there this afternoon and I noticed the area out in back also is not grassed, it's not seeded. In the front it is, it's very lush, but as you work your way around it gets a little bit thinner, thinner because it's more recently seeded and when you get all the way to the back, it's dirt.

Commissioner Anest: So why did the.....

Craig Minor: Why did the engineering department say that everything was done? I'll find out tomorrow.

Commissioner Aieta: You saw the area that I'm talking about. When I first went there I thought that we were only approving the front, and then I started driving around, and I said, well, and then I did some research on it, and it's the bond reduction for the whole piece. Right now I wouldn't reduce this bond until the spring and see if the grass is going to grow because I don't even think that they should be seeding it at this point. It's too late in the season. The DOT, don't they put a stop on seeding after the 15<sup>th</sup> of October?

Commissioner Sobieski: They used to, yes.

Commissioner Aieta: Okay.

Chairman Camerota: Anyone else have anything?

Commissioner Anest: I would just like to know why they are recommending this, and I also want to make sure that the as-built and the certification, the \$1250 will cover it, because that alone will be more than \$1250.00.

Chairman Camerota: When I went out there, I actually went Saturday, and there was less done and Craig and I talked and he said that some more had been done and I didn't notice the back because I too thought it was only the front portion that.....

Commissioner Aieta: I did too when I first drove it, and I said, well, it looks almost done and then we drove around the back and I said, well, maybe this is a different phase of the project and then I found out that it's the whole project, and it's no where near complete, to reduce anywhere down to five percent, four thousand dollars, you couldn't do one of those retention basins if you lost the plants in there for four thousand dollars.

Commissioner Hall: I agree with all of this, but I thought it was phased. I thought it was, that they would be getting more money maybe for the second part of it.

Commissioner Aieta: Isn't it unusual for, I know this is a non-profit, but isn't it unusual for them to not have bonding money and using their, this is an unusual situation isn't it?

Craig Minor: Yes, it requires specific approval by the Commission.

Commissioner Aieta: Yes, and we said okay.....

Commissioner Anest: But a lot of times you can just go with a letter of credit too, which would be something, if they need to close out, we can always ask for a letter.

Chairman Camerota: They can convert it.

Craig Minor: I suggested that to them.

Commissioner Aieta: And they are saying no to everything?

Commissioner Anest: When was the last time that you talked to them?

Craig Minor: Last week.

Commissioner Anest: You haven't talked to them since last week to see if.....

Craig Minor: Correct.

Commissioner Anest: So maybe you need to reach out to them.

Craig Minor: Okay, I can ask them to reconsider.

Commissioner Anest: Once we know.....

Chairman Camerota: We don't want to hold up closing on their construction loan, but it is also our practice to hold back money, and it's going to have to be done in some form or another, so maybe they don't understand that, but I think that is something that every town does on every project, and even private people do that on a project as well.

Commissioner Aieta: I think you have to have a conversation with them and tell them that you know, to come up with a way to bond whatever we don't release with some type of surety, and I would ask, and at this point I wouldn't do anything with this until the next meeting. I wouldn't reduce it at all. That would give the opportunity for the engineering department to go back out there and see what, about the landscaping in the back section.

Chairman Camerota: So we will keep this on the agenda under New Business for next meeting.

#### **VIII. OLD BUSINESS**

- A. **Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton, CT contact. Continued from September 11, 2013.**

Commissioner Aieta moved to approve, with conditions, Petition 44-13: Special Exception Section 3.2.5: Convalescent or Nursing Home at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton, CT contact.

#### **CONDITIONS:**

1. There will be no trash pickup before 8:00 a.m.
2. The Applicant will install a 6' tall cedar stockade fence along the 2121 Main Street property line approximately 100' long, beginning at a point approximately 60' west of the Main Street sidewalk.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion with six voting YES.

**B. Petition 43-13: Site Plan Modification (Assisted Living at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton CT, contact.**

Commissioner Ekstrom moved to approve, with conditions, Petition 43-13: Site Plan Modification (Assisted Living) at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton CT, contact.

**CONDITIONS:**

1. The applicant will revise the site plan to reflect the following:
  - a. "No Parking" signage along the outside curb of the driveway behind the building.
  - b. "Fire Lane" striping applied to the pavement where appropriate.
  - c. A 6' tall cedar stockade fence along the 2121 Main Street property boundary approximately 100' long beginning at a point approximately 60' west of the sidewalk on Main Street.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

**Petition 55-13  
Special Exception (Section 6.6.2 Alcohol Permit)  
32 Fenn Road ("Tango Pizza")  
Baires LLC, applicant**

Commissioner Anest moved to approve Petition 55-13: Special Exception (Section 6.6.2: Liquor Permit) at 32 Fenn Road ("Tango Pizza"), Baires LLC, applicant, Hayes Kaufman Newington Associates LLC, owner, Albert Garrido, contact."

**FINDINGS:**

1. This restaurant is more than 500' from the closest restaurant serving alcohol as required by Section 6.6.3 B.

**CONDITIONS:**

None.

The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

**Petition 57-13:  
Principal Building within 50' of a Wetland  
129 Main Street  
Connecticut Real Estate Properties LLC, applicant**

Commissioner Camillo moved to approve Petition 57-13: Principal Building within 50' of a wetland at 129 Main Street. Adrienne Brown, owner, Connecticut Real Estate Properties LLC, applicant, Michael Zarotney, 412 Goff Road, Wethersfield, CT, contact."

**FINDINGS:**

1. Conservation Commission permission to construct this house within 50' of a wetland has been issued by the Commission's Authorized Agent.

**CONDITIONS:**

None.

The motion was seconded by Commissioner Aieta.

Commissioner Sobieski: I will recuse myself from this vote.

Craig Minor: Remember that it needs a two-thirds vote to be successful, and I think that means two thirds of seven.

Commissioner Aieta: Which would be five.

Chairman Camerota: Since there is a requirement that there be a two thirds vote in favor of this petition, let's do a roll call vote.

Commissioner Aieta: You could seat the alternate. Or is it too late?

Craig Minor: I think you can, since Stanley has recused himself.

Commissioner Leggo was seated for Commissioner Sobieski.

The vote was unanimously in favor of the motion after a roll call vote, with seven voting yes.

**IX. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 58-13: Special Exception Section 3.15.6: Health Club) at 150-206 Kitts Lane (Planet Fitness) TLG Newington LLC, owner/applicant, Brendan Kolnick, 10 New King Street, White Plains NY, contact.

Craig Minor: We received a request for a special exception from Planet Fitness at 150-206 Kitts Lane, so I recommend that the hearing be scheduled for your next meeting.

Chairman Camerota: Do anyone have any questions?

Commissioner Aieta: Just locate the property for us, would you? It's the old Shaw's, is that where it is?

Craig Minor: It's the part that is circled?

Commissioner Aieta: What was in there before, do you remember?

Craig Minor: Office Depot.

Commissioner Aieta: That would be good, to fill that piece of property.

Chairman Camerota: I saw that they were working on it on Saturday, and then I saw this and figured out why. I don't know if they are moving over from Joanne's Plaza or.....

Commissioner Aieta: Oh, that's the same one?

Commissioner Hall: This I think would be bigger.

Chairman Camerota: I didn't think it looked big, but I think it may go back farther.

Commissioner Aieta: You don't think they would have two in the same town on the Berlin Turnpike?

Chairman Camerota: We'll put this on for the next meeting.

## **X. TOWN PLANNER REPORT**

### **A. Town Planner Report for October 23, 2013**

Craig Minor: You have my report, I'll go over it quickly. Zoning Enforcement Issues raised at the last meeting, none. Old Performance Bonds held by the Town; it's attached, and unless anybody wants, I'm not going to read it. If anyone has any questions on specifics, I'll answer them. Newington Junction TOD planning, the committee has not met since the last report, and I don't think they expect to meet until after the election. Low Impact Development regulations project; the LID committee met on October 9<sup>th</sup>, and received a presentation from the consultants on their proposed regulatory amendments for the zoning regs, the subdivision regs and the Inland Wetlands Regulations, and on their low impact development and storm water management manual, which would be the bible for doing low impact development. The committee agreed that the next step should be a joint special meeting of TPZ, Conservation Commission, and the Town Council where the consultants can give town officials a summary of the project. November 26<sup>th</sup> was suggested as a possible date. This would be followed by a presentation for the general public some time during the first week of December and then a more detailed review of the changes at the December TPZ meeting, and the December Conservation Commission meeting respectively. Public hearings on the amendments could then be held in late January and continue into February if required. So that's the schedule as developed by the LID Committee.

Chairman Camerota: I'm just going to make a comment now, because I'm going to forget otherwise, that November 26<sup>th</sup> is the day before Thanksgiving, and we don't usually have, we usually move our meeting.....

Commissioner Hall: I think it's Tuesday. Thanksgiving is the 28<sup>th</sup>, I believe.

Chairman Camerota: Oh, okay.

Commissioner Hall: We had talked about that, because we normally have a Monday meeting for that week, so this would be a Tuesday and all three Commissions would attend, so there wouldn't be multiple meetings.

Craig Minor: Okay, fine. Then, finally, the sign regulation, I did not hear back from the sign committee members, I think maybe they have other things they are dealing with at this moment.

Chairman Camerota: I didn't get an e-mail.

Craig Minor: I sent an e-mail.

Chairman Camerota: I don't think you did.

Craig Minor: Okay, I thought I did, and then I remember thinking that I did, and then that became I did. Okay.....

Chairman Camerota: I could have missed it.

Craig Minor: Well, Carol is shaking her head, Frank, did you get an e-mail from me as to when you would like to meet?

Commissioner Aieta: No.

Craig Minor: Okay, well, I guess I was busy and didn't get to it. I'll do that first thing tomorrow.

#### B. HOMEConnecticut

Craig Minor: The HOMEConnecticut project is incentive housing, and I know that Ed Meehan brought it to you a good number of years ago, I brought it to you again a year or so ago, and it morphed into a senior affordable housing grant application which got the approval of the Town, unfortunately it was too specific and the State ended up denying it, but the State of Connecticut is once again offering this funding and I'm just bring it for your consideration in case the Commission has had second thoughts or would like to pursue it. Some of the problems with the incentive housing problem, well, the main problem that I have found with the Planning Commissions that I have talked about it, is it's as of right. Once the town has adopted incentive housing regulations which require a greater density than what is currently allowed, it's mandatory. An applicant would come in with a site plan that meets all of the requirements, it has to be approved and I find that that tends to be the kiss of death for a lot of towns. They feel that their zoning regulations are already as dense as they can be, and even though the State will supposedly be giving the town money if they adopt these regulations, and if the houses get built, most towns are finding that it is not sufficient incentive to change the regulations to allow it, so, it's on the agenda for discussion.

Commissioner Aieta: So many of the town that they mention in this report might be less developed than the Town of Newington. We're 95% developed, I think as this point in time we have already looked at this twice, I think that maybe this should be the last time that we look at it. I don't think it's right for the Town of Newington because of the way that we are developed already.

Chairman Camerota: Any other comments? I think before we really expressed our need as elderly and that wasn't allowed, and we're not a town that has spare lots, so I think we should pass on this.

Commissioner Sobieski: I'm pretty familiar with some of these towns, and they are pretty rural with the exception of Fairfield, and Ridgefield is somewhat built up, but most of these are outlying towns and there is a lot of property out there.

Chairman Camerota: The consensus seems to be that we will pass on this.

Craig Minor: Okay, very good.

**XI. COMMUNICATIONS**

None

**XII. PUBLIC PARTICIPATION** (For items not listed on the Agenda, speakers limited to 2 minutes)

None.

Commissioner Sobieski moved to adjourn the regular meeting to go into Executive Session. The motion was seconded by Commissioner Ekstrom. The meeting was adjourned at 7:45 p.m.

**XIII. EXECUTIVE SESSION**

Chairman Michelle Camerota called the Executive Session to order at 7:50 p.m.

Present: \_\_\_\_\_

Commissioner Frank Aieta  
Commissioner Carol Anest  
Chairman Michele Camerota  
Commissioner Michael Camillo  
Commissioner Cathleen Hall  
Commissioner Stanley Sobieski  
Commissioner Audra Ekstrom-A  
Commissioner Kenneth Leggo-A

Staff Present

Craig Minor, Town Planner

Discussion of the Modern Tire and Recapping, et al vs the Town of Newington Plan and Zoning Commission.

The executive session was adjourned at 8:06 p.m.

**XIV. REMARKS BY COMMISSIONERS**

Commissioner Aieta: We are up to twelve trucks on the Berlin Turnpike with signs on them. the newest one is the Floors, Now. They did a beautiful job on their truck, they actually had it professionally done. They are parking it in the state right of way, we are up to twelve, so it is growing by the week.

**XV. CLOSING REMARKS BY THE CHAIRMAN**

None

**XVI. ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.